

FIVE AFFIRMATIVE FINDINGS

The Williams Pond project (the “Project”) meets all of the five affirmative findings set forth relating to this request for establishment of a conditional use district and issuance of a conditional use permit. An analysis of the five required affirmative findings along side the attributes of the Williams Pond project reveals that this Project meets all of the findings and meets or exceeds all applicable standards.

FINDING #1: The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or to be located.

(1) Validation of Use in Zoning Ordinance. The Project includes approximately 242 acres of land in the RA-5 zone and approximately 408 acres of land in the RA-40 zone. Under the Chatham County Zoning Ordinance, a planned residential development is an allowed conditional use in both the RA-5 and the RA-40 zoning districts. The request before the Commissioners is to create a Conditional Use District, CU-RA-90, for the entire 650 acres. Planned Residential Developments are also an allowed conditional use in the RA-90 zone. Thus, the Applicant requests that the project land first be **down-zoned** from a combined allowed average density of one lot per 1.32 acres (total of 492 lots) to an allowed density of one lot per 2.07 acres (total of 314 lots). In addition, the Applicant requests a Conditional Use Permit seeking approval of only 185 lots, or a total density of one lot per 3.5 acres.

(2) Land Development Plan Reference

The Project is consistent with the provisions of the Chatham County Land Conservation and Development Plan. What follows below is a list of ways in which in the Project meets the stated goals and objectives of the Chatham County Land Conservation and Development Plan:

(i) The Project meets the goal of increasing the proportion of land that is preserved as buffers and natural areas by creating large lots and self-imposing a 200 foot buffer from the edge of the Haw River and an additional 200 no build line beyond the buffer, ensuring that no vertical structures will be placed within 400 feet of the Haw River’s edge. *Land Conservation and Development Plan, page 10.*

(ii) The Project helps meet the goal of protecting Chatham County surface and underwater resources by creating a 200 foot wide buffer zone along Pokeberry Creek (100’ on each side) that transects the property and by implementing an effective storm water retention and detention plan. *Land Conservation and Development Plan, page 10.* The Project also meets the goal of preserving natural scenic areas by preserving the creek area in its natural condition. *Land Conservation and Development Plan, page 10.*

(iii) The Project meets the stated goal of the plan to “cluster new

development near school sites.” *Land Conservation and Development Plan, page 13*. The Project is quite close to Northwood High School and a short drive from North Chatham Elementary and the nearby proposed high school site. The Project also meets the goal of “promoting community based schools; keeping transportation time/distances to schools small.” *Land Conservation and Development Plan, page 14, 16*. The Project fits squarely into the plan goal of encouraging rurally compatible residential development in rural areas because it is in an area that is already zoned under the county zoning ordinance. *Land Conservation and Development Plan, page 21*.

(iv) It further meets the objective of the plan set forth on page 46 stating that “in areas where central sewer service is not available, wastewater should be disposed of by land application (surface or subsurface disposal), using governmentally approved, effectively regulated wastewater management systems.” *Land Conservation and Development Plan, page 46*. The individual lot septic systems meet all of these criterion.

The Land Conservation and Development, although it has never been mapped, conforms in letter and spirit to this Project in this location.

FINDING #2: The requested conditional use permit is either essential or desirable for the public convenience or welfare.

(1) Need and desirability.

The project is both necessary and desirable for Chatham County. As central North Carolina continues to grow, current and future residents are seeking places to live that afford them access to the tremendous business, cultural, health care and recreational opportunities available locally. Properly planned, orderly and efficient residential growth can allow Chatham County to attract quality developers building quality residential neighborhoods that add significantly to the tax base for the County. As is shown in the Fiscal Impact Analysis herein, Williams Pond provides an opportunity for the County to increase the real property tax base and to obtain additional budgetary flexibility.

The northeastern segment of Chatham County is conveniently located only a short drive from popular work destinations in Chapel Hill, Apex, Cary, Durham and Raleigh. Because residential and other types of growth are beginning to occur in this section, it will be important for the County to seize opportunities for the type of residential growth that not only pays its way but also contributes surpluses to the County to cover the costs of services being imposed by other necessary residential growth that arguably will not generate surpluses. Surplus tax revenue, as has been the case with Governors Club and The Preserve at Jordan Lake, can be used by Chatham County to improve and add to important infrastructure, pay for services attributable to other housing in the County and for many other purposes as determined by the County’s policy makers.

The Project will not impose a heavy burden on the County. In fact, the number of homes added per year (19) will be dwarfed by the number of mobile homes, for example, that will be added annually during the same period in Chatham County. Figures from the Chatham County Building Inspections Department reveal that the annual average number of building permits issued for mobile homes in the County since 2002 is 139. Thus, the projected new homes in the Project each year during the build-out will only likely amount to 14% of the total number of mobile homes likely to be authorized each year.

The average number of home building permits (including single family, modular homes and mobile homes but excluding multi-family dwellings) issued annually in 2002 and 2003 in Chatham County is 652. The projected new residences in the Project per year would account for less than 3% of the total number of residential building permits issued annually in Chatham County.

A documented market and need for additional residential housing in the northeast quadrant of Chatham County has been seen. For example, at The Preserve at Jordan Lake, a residential community located west of Jordan Lake in Chatham County, the 516 residential lots were sold within two years from December 2001. The same developer is in the initial stages of sales at another development called "Chapel Ridge" which is located to the west of Pittsboro on Old Graham Road. Initial sales indications at Chapel Ridge are strong as well. The Fearington subdivision, located on 15-501, not far from this proposed Project has shown continuing strong growth over the years. Virtually all of the lots at the Governors Club subdivision have been sold as well. Market research indicates that the demand for residential housing in and around the Project area continues to be strong and will likely be so for the foreseeable future. Thus, a need for additional residential housing in the northeast section of Chatham County exists.

In addition, the proposed use is desirable for the public convenience or welfare. The property of the Project is comprised of approximately 408 acres that are zoned RA-40 and 242 acres that are zoned RA-5. Without a planned residential development, and the applicable conditional use permit and district, the property could be developed for well in excess of 240 lots. The Project proposes, instead, a much more modest development of only 185 lots with a significant amount of buffers and natural areas as detailed on the attached plans. Careful attention has been given in this Project to elements that make the Project orderly, efficient and desirable. The roads, water, wastewater, erosion control, storm water management and schedule of development have all been carefully planned precisely in order to make the development orderly, efficient and desirable. The proposed density on this Project is approximately one residential unit for every 3.5 acres of land, a density that is significantly less than what current zoning of the property allows.

Williams Pond is "smart growth" for Chatham County: reasonable density well below existing limits, significant buffers and natural areas, tremendous economic advantages and a developer with the proven ability to carry the Project to completion.

(2) Survey of similar uses.

With respect to price points and market niche, this Project compares most strongly to Governors Club except that it does not have a golf course and all of the lots will be served by individual septic systems. The location of the Project is unique in that it is equally convenient to Chapel Hill, RTP and Apex/Cary. Its scenic location near the Haw River provides a unique housing opportunity that, in terms of lot sizes, integrates well with the higher density Village of Bynum (slightly more than one unit per acre) and the Hudson Hills subdivision which contains numerous lots of approximately one acre in size, as well as with the nearby large lot subdivisions such as Redbud. The lots in the Project range in size from 1.3 acres to 14.6 acres with an average lot size of 3.5 acres.

(3) Public provided improvements.

The County would be required to provide no public improvements as a result of approval of the Project. As is set forth in the fiscal impact analysis submitted contemporaneously herewith, the additional revenue to the County will exceed the costs of services that will arise as a result of the build out of the Project.

(4) Tax considerations.

With respect to the increase in taxation revenue to the County, please see the Fiscal Impact Analysis submitted contemporaneously herewith.

(5) Employment.

In addition to the economic benefits detailed in the Fiscal Impact Analysis, the Project will create jobs and significant expenditures for material and labor in the County.

Finding #3: The requested permit will not impair the integrity or character of the surrounding or adjoining districts and will not be detrimental to the health, safety or welfare of the community.

From a density standpoint, the Project is well integrated into surrounding land uses. The Village of Bynum (approximately one unit per acre density) is nearby. Hudson Hills subdivision, less than one-half a mile away, contains numerous one (1) acre lots. The Redbud subdivision and others around it range from 5-10 acre lots. The project will have lots ranging from 1.3 acres to 14.6 acres with the average lot size being approximately 3.5 acres. The Project will certainly not impair the integrity or character of the surrounding districts. Nor will it be in any way detrimental to the health, safety and welfare of the community. Quite the contrary, the Project, by significantly downzoning the acreage, will decrease density and be a positive addition to the surrounding community.

(1) Traffic.

This Project will create no undue burden on the existing public road infrastructure adjacent to the Project. The Applicant commissioned a traffic study by Ramey Kemp & Associates, Inc., traffic engineers. A copy of the conclusions of Ramey Kemp are submitted contemporaneously herewith. The traffic engineers reached the conclusion that the Project will impose no undue burden on the existing infrastructure.

(2) Visual impact and screening.

Attached hereto is a graphic depiction of the naturalized areas that will remain at build out evidencing that the natural areas will create ample visual screening. Further the 400 foot no build line from the edge of the Haw River will preserve the naturally scenic riverside.

(3) Lighting.

The Project will comply with Section 2.0 of the Chatham County design guidelines regarding exterior lighting. Full cut-off light fixtures will be employed.

(4) Noise.

This residential Project will not create any noise levels that are atypical of residential subdivisions already approved and located in Chatham County. Certainly, the noise levels are not anticipated to exceed the levels allowed by the County noise ordinance. The Project will not include any sources or uses of noise beyond that typically associated with a residential subdivision.

(5) Chemicals, biological and radioactive agents.

The Project will not include chemical, biological or radioactive hazards. Any chemicals associated with the will be stored in a storage area that meets building code requirements. Storage will meet all applicable state and local regulations.

(6) Signs.

The Project will have two identification signs, each of which will comply with the Chatham County sign ordinance and are intended to be inviting and attractive. All signs will comply with Section 3.0 of the Chatham County design guidelines.

Finding #4: The requested permit will be consistent with the objectives of the land conservation and development plan.

(1) Land conservation and development plan. See discussion above under Finding #1, subpoint 2.

(2) Watershed and flood considerations. The Project will comply with the applicable watershed ordinance, as amended. All allowed building areas are located outside the floodable area. Roadways will not cross floodable areas.

Finding #5: Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.

(1) Water source and requirements.

The information regarding the estimated quantity of water to be used, is supplied contemporaneously herewith. The water source will be the Chatham County public water system. The water connections will be provided as follows: Water services will be installed by the developer.

(2) Wastewater management.

All lots will have individual septic systems.

(3) Access roads.

As previously described, access to the Project will be from Bynum Ridge Road. All proposed driveway locations have been field reviewed by the North Carolina Department of Transportation and have been found acceptable.

(4) Storm water runoff.

The methods of storm water detention and control and the detailed stormwater management plan are set forth in the material supplied herewith. The stormwater plan meets all County requirements and the Developer will put in buffers that exceed County regulations along all blue line streams.

Conclusion. The Project is a great opportunity for Chatham County to enhance its tax base, create sustainable tax revenue, create employment opportunities and still create a reduced-density community that integrates well with surrounding uses. The five findings are met and we respectfully request that the Planning Department and the Planning Board recommend approval and that the Board of Commissioners grant its approval.